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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/820,452

Applicant(s)

FOTTA ET AL

Examiner

SONIA GAY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-98 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-98 is/are rejected.
7) ☒ Claim(s) 96 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8500)
Paper No(s)/Mail Date 03/27/2007, 10/04/2006, 04/10/2006, 01/20/2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

This office action is in response to Application No. 10/820452 submitted on April 8, 2004 in which claims 1 - 98 are presented for examination.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1 - 26, 27-51, 53- 73, and 74 - 93 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as the claim reads “ wherein the control unit is a software application within a remote client computer”.

Claim 44 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as the claim reads “ wherein the receiving, prohibiting, or allowing are performed by a software application within a remote client computer”.

Claim 45 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as the claim reads “ wherein the software application within a client computer remotely accesses the prohibited and exempted lists within a central administration facility”.

Claim 66 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as the claim reads “ wherein the analysis unit is a software application within a remote client computer”.

Claim 86 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as the claim reads “ wherein the receiving and designating are performed by a software application within a remote client computer”.

Claim 87 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as the claim reads “ wherein the software application remotely accesses the prohibited and exempted lists within a central administration facility.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as the claim recites a control system that comprises software (“control unit”) and data (“list of prohibited ...” and “exempted list identifiers”). This claim is nothing more than software and data.

Dependent claims 2 – 18, 20 – 26 are rejected for the same reason as discussed above for claim 1.

Claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as the claim recites “ a method for receiving or initiating, prohibiting or allowing” being performed by software according to dependent claim 44.

Dependent claims 28 – 43, 46 – 41 are rejected for the same reason as discussed above for claim 27.

Claim 53 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as the claim recites “an analysis system that comprises software (“analysis unit”), data (list of prohibited and exempted list identifiers”). This claim is nothing more than software and data.

Dependent claims 54 – 65, 67 – 73 are rejected for the same reason as discussed above for claim 1.

Claim 74 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as the claim recites “ a method for receiving and designating” being performed by software according to dependent claim 86.

Dependent claims 75 – 85, 88 – 93 are rejected for the same reason as discussed above for claim 27.

Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs are not physical “things”. They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural or functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized. In contrast, a claimed computer –readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory. See MPEP 2106.01(citing to In re Lowry, 32 F.3d 1579,1583-84, 32 USPQ2d 1031, 1035(Fed. Cir. 1994).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 96 recites the limitation "the method according to Claim 93 wherein the meditation rules comprise ..". However 93 does not disclose meditation rules and, instead, discloses " the method according to claim 74 wherein the receiving of proposed destination identifiers is facilitated by any one of a World Wide Web page, a ftp server, an {sic} database connection, remote terminal connection, and an Interactive Voice Response connection. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 11, 13 - 18, 21, 23, 26, 27- 37, 39 - 42, 46, 48 - 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Garfinkel (US 6,330,317).

As to claim 1, Garfinkel teaches a control system for selectively prohibiting a communications connection between an origin and destination within a communications network, the system comprising:

at least one list of prohibited destination identifiers (**Fig. 3** 46, 47, 48 and column 5 lines 54 – column 6 line 2); at least one list of exempted destination identifiers (**Fig. 3** 49 and column 6 lines 2 – 11);

a control unit that prohibits or allows the communications connection between the origin and destination based on one or more mediation rules and the lists of prohibited and exempted destination identifiers (control computer: column 5 lines 24 – 28, 35 – 39); and

As to claim 2, Garfinkel discloses the claimed invention above and further discloses wherein the origin and destination are each a communications device directly or indirectly connected to the communications network. (column 4 lines 33 - 36; 38 - 42)

As to claim 3, Garfinkel discloses the claimed invention above and further discloses wherein the communications device is any one of a telephone, cellular telephone, personal digital assistance, pager, computer, client interface, and remote computer terminal. (column 4 lines 33 - 36; 38 - 42)

As to claim 4, Garfinkel discloses the claimed invention above and further discloses a connection unit that receives or initiates a request for a communications connection between an origin and destination, the request including the destination identifier; the connection unit capable of sending a request to the control unit and receiving an order from the control unit to prohibit or allow the communications connection. (column 4 lines 42 – 52; column 5 lines 5 – 17, 18 – 24).

As to claim 5, Garfinkel discloses the claimed invention above and further discloses wherein the connection unit is any one of an Interactive Voice Response application, a predictive

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dialer server, a distributed predictive dialer system, a switch, router, and an electronic mail server. (switch : **Fig. 1** 13, 14 and column 4 lines 30 - 42).

As to claim 6, Garfinkel discloses the claimed invention above and further discloses wherein the connection unit establishes a communications connection between an origin and destination.(column 4 lines 33 – 42)

As to claim 7, Garfinkel discloses the claimed invention above and further discloses wherein the destination identifier is a communications device address. (destination number dialed by handset: column 4 lines 33 - 36; 38 - 42)

As to claim 8, Garfinkel discloses the claimed invention above and further discloses wherein the device address is any one of a telephone number, Internet Protocol address, Internet Domain Name, and an electronic mail address. (destination number dialed by handset: column 4 lines 33 - 36; 38 - 42)

As to claim 9, Garfinkel discloses the claimed invention above and further discloses wherein the lists are contained within one or more tables of one or more databases. (column 5 lines 37 – 39).

As to claim 10, Garfinkel discloses the claimed invention above and further discloses wherein the lists of prohibited destination identifiers are derived from any one or a combination of a Federal Do-Not-Call list, a State Do-Not-Call list, a DMA list, Wireless do-Not-Call list, a client internal list, and a Very Important Person list. (column 5 lines 54 – column 6 line 2).

As to claim 11, Garfinkel discloses the claimed invention above and further discloses wherein the lists of exempted destination identifiers are derived from any one or a combination of an Existing Business Relationship (EBR) exemption list, Do-Not-Call exemption lists, State

Do-Not-Call exemption list, a VIP exemption list, and other exemption list. (column 6 lines 3 – 11).

As to claim 13, Garfinkel discloses the claimed invention above and further discloses wherein the mediation rules comprise a sequence of comparisons made between a destination identifier and one or more lists of exempted and prohibited identifiers. (column 6 lines 12 – 49).

As to claim 14, Garfinkel discloses the claimed invention above and further discloses wherein each comparison with a list of exempted identifiers determines whether the comparison with an associated list or lists of prohibited destination identifiers is bypassed or ignored. (column 6 lines 31 – 41)

As to claims 15, Garfinkel discloses the claimed invention above and further discloses wherein the prohibited and exempted destination lists are capable of being modified from the origin. (column 7 lines 36 – 52)

As to claims 16, Garfinkel discloses the claimed invention above and further discloses wherein the prohibited and exempted destination lists are capable of being modified from a secondary interface. (column 8 lines 48 –66; column 9 lines 14 - 16).

As to claim 17, Garfinkel discloses the claimed invention above and further discloses wherein the control unit is a computer server that resides on the premises of any one of a client, a local exchange carrier, local administration facility, central administration facility, and other remote facility. (central administration facility: column 3 lines 6 – 15).

As to claim 18, Garfinkel discloses the claimed invention above and further discloses wherein the control unit interfaces with local prohibited and exempted destination lists; the local prohibited and exempted destination lists being periodically synchronized with other prohibited

and exempted destination lists; the other prohibited and exempted destination lists being remotely located at another facility such as a local administration facility, local exchange carrier, central administration facility, or other facility. (column 4 lines 10 - 14; column 8 lines 36 - 41)

As to claim 21, Garfinkel discloses the claimed invention above and further discloses wherein prohibited and exempted destination lists may be dynamically added or removed and the mediation rules updated to flexibly adapt the system to continuously support new connection prohibition rules. (column 7 lines 36 – 46).

As to claim 22, Garfinkel discloses the claimed invention above and further discloses wherein a plurality of destination identifiers are examined in relation to a particular origin to determine whether to prohibit or allow a communications connection between the origin and each destination of the plurality of destinations. (column 1 lines 12 – 16; column 5 lines 5 – 28)

As to claim 23, Garfinkel discloses the claimed invention above and further discloses wherein a client user is identified and authenticated. (column 6 lines 13 – 20).

As to claim 24, Garfinkel discloses the claimed invention above and further discloses wherein the control unit, based on the mediation rules, uses additional client and customer information to determine whether to prohibit or allow a communications connection. (column 5 lines 37 – 45; column 6 lines 13 – 20)

As to claim 25, Garfinkel discloses the claimed invention above and further discloses wherein the information includes any one or combination of a client user identifier, client identifier, customer identifier, client office identifier, product identifier, geographic area, date, time, exemption type duration, origin identifier, internal client criteria, and internal customer criteria. (CN, customer identification code or number : column 5 lines 39 – 42)

As to claim 26, Garfinkel discloses the claimed invention above and further discloses wherein logs of prohibited, allowed, and improper destination identifiers or a combination thereof are generated. (column 7 lines 55 – column 8 line 18)

As to claim 27, Garfinkel discloses the claimed invention above and further discloses a method of selectively prohibiting a communications connection between an origin and destination in a communications network, the method comprising:

receiving or initiating a connection request for a communication connection between an origin and destination, the request including the destination identifier; prohibiting or allowing the requested communications connection based on one or more mediation rules and lists of prohibited and exempted destination identifiers. (column 5 lines 5 – 17, 24 – 28, 35 – 39)

As to claim 28, Garfinkel discloses the claimed invention above and further discloses wherein the origin and destination are each a communications device connected directly or indirectly to the communications network. (column 4 lines 33 - 36; 38 – 42)

As to claim 29, Garfinkel discloses the claimed invention above and further discloses wherein the communications device is any one of a telephone, cellular telephone, personal digital assistance, pager, computer, computer client interface, and remote computer terminal. (column 4 lines 33 – 36, 38 – 42)

As to claim 30, Garfinkel discloses the claimed invention above and further discloses wherein the receiving or initiating of a request is performed by a connection unit. (column 5 lines 5 – 17, 18 – 24).

As to claim 31, Garfinkel discloses the claimed invention above and further discloses wherein the connection unit is any one of an Interactive Voice Response application, a predictive

dialer server, a distributed predictive dialer system, a switch, router, and an electronic mail server.(column 4 lines 30 – 42).

As to claim 32, Garfinkel discloses the claimed invention above and further discloses wherein the connection unit establishes a communications connection between an origin and destination. (column 4 lines 33 – 42).

As to claim 33, Garfinkel discloses the claimed invention above and further discloses wherein the destination identifier is a communications device address. (column 4 lines 33 – 36, 38 – 42).

As to claim 34, Garfinkel discloses the claimed invention above and further discloses wherein the device address is any one of a telephone number, Internet Protocol address, Internet Domain Name, and an electronic mail address.(column 4 lines 33 – 36, 38 – 42)

As to claim 35, Garfinkel discloses the claimed invention above and further discloses wherein the lists are contained within one or more tables of one or more databases. (column 5 lines 37 – 39)

As to claim 36, Garfinkel discloses the claimed invention above and further discloses wherein the lists of prohibited destination identifiers are derived from any one or a combination of a Federal Do-Not-Call list, a State Do-Not-Call list, a DMA list, a Wireless do-Not-Call list, a client internal list, and a Very Important Person list. (column 5 lines 54 – column 6 line 2)

As to claim 37, Garfinkel discloses the claimed invention above and further discloses wherein the lists of exempted destination identifiers are derived from any one or a combination of an Existing Business Relationship (EBR) exemption list, Do-Not-Call exemption lists, State

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Do-Not-Call exemption list, a VIP exemption list, and other exemption list. (column 6 lines 3-11).

As to claim 39, Garfinkel discloses the claimed invention above and further discloses wherein the mediation rules comprise a sequence of comparisons made between a destination identifier and one or more lists of exempted and prohibited identifiers; each comparison with a list of exempted identifiers determining whether comparison with an associated list or lists of prohibited destination identifiers is bypassed or ignored. (column 7 lines 36 – 52)

As to claim 40, Garfinkel discloses the claimed invention above and further discloses wherein the prohibited and exempted destination lists are capable of being modified from the origin. (column 7 lines 35 – 52).

As to claim 41, Garfinkel discloses the claimed invention above and further discloses wherein the prohibited and exempted destination lists are capable of being modified from a secondary interface. (column 8 lines 48 – 66; column 9 lines 14 – 16).

As to claim 42, Garfinkel discloses the claimed invention above and further discloses wherein the receiving, prohibiting, or allowing are performed within a computer server that resides on the premises of any one of a client, a local exchange carrier, local administration facility, central administration facility, and other remote facility. (central administration facility: column 3 lines 6 – 15)

As to claim 43, Garfinkel discloses the claimed invention above and further discloses interfacing with local prohibited and exempted destination lists; the local prohibited and exempted destination lists being periodically synchronized with other prohibited and exempted destination lists; the other prohibited and exempted destination lists

being remotely located at another facility such as a local administration facility, local exchange carrier, central administration facility, or other facility. (column 8 lines 36 - 41)

As to claim 46, Garfinkel discloses the claimed invention above and further discloses wherein prohibited and exempted destination lists may be dynamically added or removed and the mediation rules updated to flexibly adapt the system to continuously support new connection prohibition rules. (column 7 lines 36 – 46)

As to claim 47, Garfinkel discloses the claimed invention above and further discloses examining a plurality of destination identifiers in relation to a particular origin to determine whether to prohibit or allow a communications connection between the origin and each destination of the plurality of destinations. (column 1 lines 12 – 16; column 5 lines 5 – 28)

As to claim 48, Garfinkel discloses the claimed invention above and further discloses further comprising identifying and authenticating a client user. (column 6 lines 13 – 20)

As to claim 49, Garfinkel discloses the claimed invention above and further discloses wherein prohibiting or allowing is further based on client and customer information. (column 5 lines 37 – 45; column 6 lines 13 – 20)

As to claim 50, Garfinkel discloses the claimed invention above and further discloses wherein the information includes any one combination of a client user identifier, client identifier, customer identifier, product identifier, client office identifier, geographic area, date, time, exempt: type duration, origin identifier, internal client criteria, and internal customer criteria. (CN, customer identification code or number : column 5 lines 39 – 42)

As to claim 51, Garfinkel discloses the claimed invention above and further discloses generating logs of prohibited, allowed, and improper destination identifiers or a combination thereof. (column 7 lines 55 – column 8 line 8)

As to claim 97, Garfinkel discloses a system for selectively prohibiting a communications connection between an origin and destination in a communications network, the system comprising:

means for receiving or initiating a connection request for a communication connection between an origin and destination, the request including the destination identifier; (control computer: column 5 lines 24 – 28, 35 – 39)

means for prohibiting or allowing the requested communications connection based on one or more mediation rules and lists of prohibited and exempted destination identifiers. (control computer: column 5 lines 24 – 28, 35 – 39; block/complete algorithm, database : column 5 lines 24 - 29)

7. Claims 53-62, 64-65, 68 - 73, 75—93 and 98 are rejected under 35 U.S.C. 102(e) as being anticipated by Fergusson et al. (US 2003/0212566)

As to claim 53, Fergusson et al. discloses an analysis system for selectively designating whether a communications connection between an origin and one or more destinations are prohibited, the system comprising:

an interface unit that receives one or more proposed destination identifiers (broker/dealer interface and control block through World Wide Web : [0036] [0083]) ;

at least one list of prohibited destination identifiers; ([0044])

at least one list of exempted destination identifiers; ([0048][0049]) and,

an analysis unit that designates whether the communication connection between an origin and one or more proposed destinations are prohibited or allowed based on one or more mediation rules and the list of prohibited and exempted destination identifiers. (DNC handler block :

[0044][0046][0047][0048][0050][0051][0052][0118])

As to claim 54, Fergusson et al. discloses the claimed invention above and further discloses wherein the origin and destination are each a communications device connected to the communications network. ([0118])

As to claim 55, Fergusson et al. discloses the claimed invention above and further discloses wherein the communications device is any one of a telephone, cellular telephone, personal digital assistance, pager, computer, computer client interface, and remote computer terminal. ([0038][0118])

As to claim 56, Fergusson et al. discloses the claimed invention above and further discloses wherein the identifier is a communications device address. ([0071])

As to claim 57, Fergusson et al. discloses the claimed invention above and further discloses wherein the device address is any one of a telephone number, Internet Protocol address, Internet Domain Name, and an electronic mail address. ([0071])

As to claim 58, Fergusson et al. discloses the claimed invention above and further discloses wherein the lists are contained within one or more tables of one or more databases. ([0044])

As to claim 59, Fergusson et al. discloses the claimed invention above and further discloses wherein the lists of prohibited destination identifiers are derived from any one or a combination of a Federal Do-Not-Call list, a State Do-Not-Call list, a DMA list, a Wireless do-Not-Call list, a client internal list, and a Very Important Person list. ([0044])

As to claim 60, Fergusson et al. discloses the claimed invention above and further discloses wherein the lists of exempted destination identifiers are derived from any one or a combination of an Existing Business Relationship (EBR) exemption list, Do-Not-Call exemption lists, State Do-Not-Call exemption list, a VIP exemption list, and other exemption list.([0048][0049][0051][0052])

As to claim 61, Fergusson et al. discloses the claimed invention above and further discloses wherein the exemption list contains any one or combination of exemption key, type, and date of contact associated with each exempted destination identifier.
([0048][0049][0051][0052])

As to claim 62, Fergusson et al. discloses the claimed invention above and further discloses wherein the mediation rules comprise a sequence of comparisons made between a destination identifier and one or more lists of exempted and prohibited identifiers.
([0055][0056][0057])

As to claim 64, Fergusson et al. discloses the claimed invention above and further discloses wherein the prohibited and exempted destination lists are capable of being modified from the origin. ([0082])

As to claim 65, Fergusson et al. discloses the claimed invention above and further disclose wherein the prohibited and exempted destination lists are capable of being modified from a secondary interface. ([0082])

As to claim 68, Fergusson et al. discloses the claimed invention above and further discloses a client computer that remotely sends a certified list of proposed destination identifiers to the analysis unit whereupon the analysis unit designates prohibited and allowed destination identifiers and sends a designation list to the client computer. ([0083])

As to claim 69, Fergusson et al. discloses the claimed invention above and further discloses wherein prohibited and exempted destination lists may be dynamically added or removed and the mediation rules updated to flexibly adapt the system to continuously support new connection prohibition rules. ([0044][0052])

As to claim 70, Fergusson et al. discloses the claimed invention above and further discloses wherein the analysis unit, based on the mediation rules, uses additional client and customer information to designate a prohibited or allowed communications connection. ([0055])

As to claim 71, Fergusson et al. discloses the claimed invention above and further discloses wherein the information includes any one or combination of a client user identifier, client identifier, customer identifier, product identifier, client office identifier, geographic area, date, time, exemption type duration, origin identifier, internal client criteria, and internal customer criteria. ([0055][0083])

As to claim 72, Fergusson et al. discloses the claimed invention above and further discloses wherein logs of prohibited, allowed, and improper destination identifiers or a combination thereof are generated. ([0110])

As to claim 73, Fergusson et al. discloses the claimed invention above and further discloses wherein the interface unit is any one of a World Wide Web page, a ftp server, an database connection, a remote terminal connection, and Interactive Voice Response connection. (World Wide Web : [0036] [0083])

A method of selectively designating whether communications connections between an origin and one or more destinations in a communications network are prohibited, the method comprising:

receiving one or more destination identifiers; ([0083])

designating whether the communications connection between the origin and one or more destinations are prohibited or allowed based on one or more mediation rules and lists of prohibited and exempted destination identifiers. [0044][0046][0047][0048][0050][0051][0052][0118])

As to claim 75, Fergusson et al. discloses the claimed invention above and further discloses wherein the origin and destination are each a communications device connected to the communications network. ([0118])

As to claim 76, Fergusson et al. discloses the claimed invention above and further discloses wherein the communications device is any one of a telephone, cellular telephone,

personal digital assistance, pager, computer, computer client interface, and remote computer terminal. ([0038][0118])

As to claim 77, Fergusson et al. discloses the claimed invention above and further discloses wherein the identifier is a communications device address. ([0071])

As to claim 78, Fergusson et al. discloses the claimed invention above and further discloses wherein the device address is any one of a telephone number, Internet Protocol address, Internet Domain Name, and an electronic mail address. ([0071])

As to claim 79, Fergusson et al. discloses the claimed invention above and further discloses wherein the lists are contained within one or more tables of one or more databases. ([0044])

As to claim 80, Fergusson et al. discloses the claimed invention above and further discloses wherein the lists of prohibited destination identifiers are derived from any one or a combination of a Federal Do-Not-Call list, a State Do-Not-Call list, a DMA list, a Wireless do-Not-Call list, a client internal list, and a Very Important Person list. ([0044])

As to claim 81, Fergusson et al. discloses the claimed invention above and further discloses wherein the lists of exempted destination identifiers are derived from any one or a combination of an Existing Business Relationship (EBR) exemption list, Do-Not-Call exemption lists, State Do-Not-Call exemption list, a VIP exemption list, and other exemption list.([0048][0049][0051][0052])

As to claim 82, Fergusson et al. discloses the claimed invention above and further discloses wherein the exemption list contains any one or combination of exemption key, type, and date of contact associated with each exempted destination identifier.

[(0048)][0049][(0051)][0052])

As to claim 84, Fergusson et al. discloses the claimed invention above and further discloses wherein the prohibited and exempted destination lists are capable of being modified from the origin. ((0082))

As to claim 85, Fergusson et al. discloses the claimed invention above and further disclose wherein the prohibited and exempted destination lists are capable of being modified from a secondary interface. ((0082))

As to claim 88, Fergusson et al. discloses the claimed invention above and further discloses a receiving a certified list of proposed destination identifiers from a remote client computer and sending a designation list back to the client computer. ((0083))

As to claim 89, Fergusson et al. discloses the claimed invention above and further discloses wherein prohibited and exempted destination lists may be dynamically added or removed and the mediation rules updated to flexibly adapt the system to continuously support new connection prohibition rules. ((0044)][0052])

As to claim 90, Fergusson et al. discloses the claimed invention above and further discloses wherein designating prohibited or allowed communications connections is further based on client and customer information. ((0055))

As to claim 91, Fergusson et al. discloses the claimed invention above and further discloses wherein the information includes any one or combination of a client user identifier, client identifier, customer identifier, product identifier, client office identifier, geographic area, date, time, exemption type duration, origin identifier, internal client criteria, and internal customer criteria. ([0055][0083])

As to claim 92, Fergusson et al. discloses the claimed invention above and further discloses generating logs of prohibited, allowed, and improper destination identifiers or a combination thereof. ([0110])

As to claim 93, Fergusson et al. discloses the claimed invention above and further discloses wherein the receiving of proposed destination identifier is facilitated by any one of a World Wide Web page, a ftp server, an database connection, a remote terminal connection, and Interactive Voice Response connection. (World Wide Web : [0036] [0083])

As to claim 98, Fergusson et al. discloses a system for selectively designating whether communications connections between an origin and one or more destinations in a communications network are prohibited, the system comprising:

means for receiving one or more destination identifiers; (broker/dealer interface and control block through World Wide Web : [0036] [0083])

means for designating whether the communications connection between the origin and one or more destinations are prohibited or allowed based on one or more mediation rules and lists of prohibited and exempted destination identifiers. (DNC handler block :
[0044][0046][0047][0048][0050][0051][0052][0118])

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 19 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkel (US 6,330,317) in view of Trandal et al. (US 2004/0114747).

For claims 19 and 44, Garfinkel discloses the claimed invention above, yet fails to teach receiving, prohibiting, or allowing are preformed by a control unit which is a software application within a remote client computer.

The examiner takes official notice that it is well known in the art that telecommunication services provided by telephone switch such as speed dialing , call blocking, call forwarding, can performed at the end user for the purpose of providing localized control over the call services.

Moreover, Trandal et al. discloses that a remote client computer with a control unit (Client application : [0101]) , a software could be coupled to the telephone line and system ([0097]) for the purpose of providing enhanced communications services related to telemarketing call processing such as receiving, prohibiting, or allowing communication connections between an origin and a destination.([0101])

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Garfinkel with the invention disclosed in Trandal et al. to include a remote client computer couple to the telephone system with a

control unit as a software application within the remote client computer for the purpose of receiving, prohibiting, or allowing communication connections between an origin and a destination.

10. Claims 20 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkel (US 6,330,317) in view of Trandal et al. (US 2004/0114747), and further in view of Prince (US 2004/0148506).

For claims 20 and 45, Garfinkel in view of Trandal et al. discloses the claimed invention above, yet fails to teach wherein the control unit which is a software application within a client computer remotely accesses the prohibited and exempted lists within a central administration facility.

However, Prince teaches a control unit (client do-no-contact list application : [0033]) which is a software application within a remote client computer that accesses the prohibited and exempted lists within a central administration facility (master –do-not-contact list server : [0033]) for the purpose of receiving one or more destination identifiers and designating whether the communications connections between the origin and one or more destinations are prohibited or allowed .([0033][0036][[0041][0042])

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Garfinkel in view of Trandal et al. with the invention disclosed in Prince to have the control unit within the remote client computer as disclosed above in Garfinkel in view of Trandal et al. to access the prohibited and exempted lists within a central administration facility for the purpose of receiving one or more destination

identifiers and designating whether the communications connections between the origin and one or more destinations are prohibited or allowed.

11. Claims 12 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkel (US 6,330,317) in view of Fergusson et al. (US 2003/0212566).

For claims 12 and 38, Garfinkel discloses the claimed invention above, yet fails to wherein the exemption list contains any one or combination of exemption key, type, and date of contact associated with each exempted destination identifier.

However, Fergusson et al. discloses a control and analysis system and method for selectively prohibiting a communication connection between an origin and destination within a communication network wherein the exemption list contains any one or combination of exemption key, type, and data of contact associated with each exempted destination identifier ([0051][0052]) for the purpose of determining whether or not a prospective client can be called while maintaining Do-Not-Call compliance as what constitutes a “prior or existing relationship” can vary widely depending on the state . ([0010][0075][0076])

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant’s invention to modify the invention disclosed in Garfinkel with the invention disclosed in Fergusson et al. to include any one or a combination of exemption key, type, and date of contact associated with each exempted identifier in the exemption list for the purpose of determining whether of not a client can be called while maintaining Do-Not -Call compliance.

12. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkel (US 6,330,317) in view of Frenz et al. (US 6,853,717).

Garfinkel discloses the claimed invention above an, yet fails to teach that the functions performed by computer readable medium program codes (logic: column 3 lines 9 - 14) are stored on a computer readable medium.

However, Frentz et al. discloses computer readable medium codes stored on a computer readable medium for the purpose of configuring a computer to perform a method of eliminating an unwanted connection to a destination.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Garfinkel with the invention disclosed in Frentz to store the computer readable medium program codes as disclosed above in Garfinkel on a computer readable medium for the purpose of configuring the computer to perform the method of eliminating or preventing calls to a destination.

13. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fergusson et al. (US 2003/0212566) in view of Frentz et al. (US 6,853,717).

Fergusson et al. discloses the claimed invention above an, yet fails to teach that the functions performed by computer readable medium program codes (broker/dealer interfacing control block operating on servers: [0038]) are stored on a computer readable medium.

However, Frentz et al. discloses computer readable medium codes stored on a computer readable medium for the purpose of configuring a computer to perform a method of eliminating an unwanted connection to a destination.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Fergusson et al. with the invention disclosed in Frentz to store the computer readable medium program codes as disclosed above in

Fergusson et al. on a computer readable medium for the purpose of configuring the computer to perform the method of eliminating or preventing calls to a destination.

14. Claim 94 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fergusson et al. (US 2003/0212566) in view of Frentz et al. (US 6,853,717).

Fergusson et al. discloses the claimed invention above an, yet fails to teach that the functions performed by computer readable medium program codes (broker/dealer interfacing control block operating on servers: [0038]) are stored on a computer readable medium.

However, Frentz et al. discloses computer readable medium codes stored on a computer readable medium for the purpose of configuring a computer to perform a method of eliminating an unwanted connection to a destination.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Fergusson et al. with the invention disclosed in Frentz to store the computer readable medium program codes as disclosed above in Fergusson et al. on a computer readable medium for the purpose of configuring the computer to perform the method of eliminating or preventing calls to a destination.

15. Claims 63 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fergusson et al. (US 2003/0212566) in view of Garfinkel (US 6,330,317).

For claims 63 and 83, Fergusson et al. discloses the claimed invention above, yet fails to teach wherein each comparison with a list of exempted identifiers determines whether the comparison with an associated list or lists of prohibited destination identifiers is bypassed or ignored.

However, Garfinkel teaches each comparison with a list of exempted identifiers determines whether the comparison with an associated list or lists of prohibited destination identifiers is bypassed or ignored (column 7 lines 36 – 52) for the purpose of completing a telephone call.(Abstract)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Fergusson et al. with the invention disclosed in Garfinkel to bypass or ignore the comparison with an associated list or lists of prohibited destination identifiers with each comparison of a list of exempted indentifiers for the purpose of completing a telephone call.

16. Claims 66, 67, 86, and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fergusson et al. (US 2003/0212566) in view of Prince et al. (US 2004/0148506).

For claims 66 and 86, Fergusson et al. discloses the claimed invention, yet fails to teach that the receiving and designating are performed by a software application which is an analysis unit within a remote client computer.

However, Prince teaches an analysis unit (client do-no-contact list application : [0033]) which is a software application within a remote client computer for the purpose of receiving one or more destination identifiers and designating whether the communications connections between the origin and one or more destinations are prohibited or allowed .([0033][0036][[0041][0042])

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Fergusson et al. with the invention

disclosed in Prince to include the analysis unit on the remote client computer as disclosed above in Fergusson et al for the purpose of receiving one or more destination identifiers and designating whether the communications connections between the origin and one or more destinations are prohibited or allowed.

For claims 67 and 87, Fergusson et al. in view of Prince discloses the claimed invention above and further discloses wherein the analysis unit which is the software application within a client computer remotely accesses the prohibited and exempted lists within a central administration facility. (Prince : [0033])

17. Claim 95 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fergusson et al. (US 6,853,717) and further in view of Kikinis et al. (US 5,960,073).

Garfinkel et al. discloses a method of selectively prohibiting a communications connection between an origin and destination in a telecommunications network, the origin having a user interface for a client agent, the destination having a destination telephone number, the method comprising:

at the origin, establishing a communications connection with a connection unit;(column 5 lines 5 -14)

at the origin, entering the digits associated with a destination telephone number;(column 5 lines 5 - 7)

at the connection unit, sending the destination telephone number to the control unit; (column 5 lines 18 - 23)

at the control unit, verifying that the dialed area code of the destination telephone number is valid (column 6 lines 13 – 20)

retrieving client-specific mediation rules; prohibiting or allowing the communications connection based on the mediation rules, one or more prohibited destination number lists, and one or more exempted destination number lists, by sending a prohibit or allow order to the connection unit; (column 5 lines 54 – column 6 line 49)

at the connection unit if the communications connection is allowed, establishing a second communications connection with the destination and bridging the origin communications connection to the destination communications connection to establish a communications connection between origin and destination; (column 5 lines 29 - 34)

at the connection unit if the communications connection is prohibited, ending the communications connection with the origin or notifying the client agent that the call is prohibited and prompting for entry of another destination telephone. (column 5 lines 29 - 34)

Yet, Garfinkel et al. fails to teach the following:

at the connection unit, interacting with a control unit to validate the dialed number and, upon successful validation by the control unit, prompting the client agent for identification and authentication information;

at the origin, entering the identification and authentication information;

at the connection unit, interacting with the control unit to validate the identification and authentication information and, upon successful validation by the control unit, prompting for the destination telephone number;

at the control unit, verifying that the dialed area code of the destination telephone number is valid;

However, Kikinis et al. discloses the following for providing an interactive home agent or remote agent with access to a call center. **(Abstract)**

at the connection unit, interacting with a control unit to validate the dialed number and, upon successful validation by the control unit, prompting the client agent for identification and authentication information; (login procedure : column 5 lines 65 - column 6 line 10)

at the origin, entering the identification and authentication information; (login procedure : column 5 lines 65 - column 6 line 10, 47 -55)

at the connection unit, interacting with the control unit to validate the identification and authentication information (column 6 lines 47 – 55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Garfinkel with the invention disclosed in Kikinis et al. to allow the control unit as disclosed in Garfinkel to allow remote login, verification , and authentication for the purpose of providing call center access to home or remote agents.

For claim 96, Garfinkel in view of Kikinis et al. discloses the claimed invention above and further wherein the mediation rules comprise a sequence of comparisons made between a destination identifier and one or more lists of exempted and prohibited identifiers; each comparison with a list of exempted identifiers determining whether comparison with an associated list or lists of prohibited destination identifiers is bypassed. (column 6 lines 12 – 49)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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